

REMARKS

Claims 1-31 are pending in the present patent application. Claims 1-19 stand rejected, and claims 20-31 have been withdrawn from consideration. By the present Amendment, claims 20-31 have been canceled. This application now includes claims 1-19.

Applicants have canceled claims 20-31, without prejudice or disclaimer, in order to place the present patent application into condition for allowance. Applicants hereby expressly reserve the right to pursue claims 20-31 in a divisional application.

Claims 1-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Cone, et al., U.S. Patent Application Publication No. 2002/0078118 A1 (hereinafter, Cone). Applicants respectfully request reconsideration of the rejection of claims 1-19 in view of the following.

Cone is directed to a network interface ASIC that allows direct attachment for an appliance, such as a printer device (paragraph 2). Cone discloses an ASIC that substantially removes or reduces the need for standard components (such as a CPU, RAM and flash memory, internal embedded software, and a fully network-standard-compliant network controller) that are typically distributed among several devices in a system (paragraph 14). An ASIC 10 allows direct attachment between an appliance 14 and a network having a network device 16, which can include network controllers or adapters such as Ethernet controllers, media access control (MAC) controllers, PCI controllers, input/output (I/O) controllers such as small computer system interface (SCSI) controllers, network interface cards (NICs), switches, routers, or other such devices (paragraph 16, Fig. 1). Examples of the appliance 14 can include printer devices such as a printer or a print server, graphic display devices, disk drives, or other peripheral devices or parallel port-equipped devices (paragraph 17).

Applicants believe that claims 1-19 patentably define Applicants' invention over Cone, for at least the reasons set forth below.

Applicants hereby incorporate by reference their arguments as set forth in their previous Response, electronically filed on July 18, 2006.

Claim 1 is directed to a computer network. Claim 1 recites at least one host computer; at least one peripheral device; and a microprocessorless network adapter interconnecting said at least one host computer and said at least one peripheral device.

Applicants respectfully submit that Cone does not disclose, teach, or suggest a microprocessorless network adapter interconnecting said at least one host computer and said at least one peripheral device for substantially the same reasons as set forth in their previous Response, electronically filed on July 18, 2006.

In the Response to Arguments, the Examiner asserts that Cone discloses a microprocessorless network adapter interconnecting the at least one host computer and the at least one peripheral device, relying on the Cone ASIC. However, Cone does not disclose, teach, or suggest that ASIC 10 connects to the network, but rather, connects to network device 16 (Fig. 1), which includes network controllers or adapters, such as network interface cards (paragraph 0016).

In addition, Cone Fig. 1 does not disclose, teach, or suggest that the network device 16 is connected to ASIC 10 via a network. For example, the line depicted in Fig. 1 as extending between ASIC 10 and network device 16 is not identified by Cone as being a network.

Accordingly, the Cone ASIC 10 is not a microprocessorless network adapter within the context of Applicants' claimed invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131).

Since each and every element as set forth in claim 1 is not found, either expressly or inherently described in the Cone reference, Applicants respectfully submit that Cone does not anticipate claim 1.

Claim 1 is thus believed allowable in its present form, and Applicants respectfully request the Examiner to withdraw the rejection of claim 1 under 35 U.S.C. §102(e).

Claims 2-13 are believed allowable due to their dependence on otherwise allowable base claim 1. In addition, claims 2-13 further and patentably define Applicants’ invention over Cone.

For example, claim 9 is directed to the network of claim 1, wherein said adapter is configured to manage power on said at least one peripheral device.

In contrast to claim 9, Cone simply does not disclose, teach, or suggest an adapter configured to manage power on a peripheral device.

Although Cone discloses that ASIC 10 includes a packet processor unit 22 that controls communications between appliance 14 and network device 16 (paragraph 0019), Cone does not indicate in any manner or otherwise disclose, teach, or suggest that ASIC 10 manages power on appliance 14.

In making a final rejection, the Examiner should include a rebuttal of any arguments raised in the applicant’s reply (MPEP 706.07). However, the Examiner has not included a rebuttal of the arguments raised by Applicants in their previous Response with respect to claim 9, electronically filed on July 18, 2006. Rather, in the present Final Office Action, the Examiner referred back to the rejection of claim 9, which does not provide any rationale as to the rejection of claim 9 beyond

citing paragraphs 0021, 0033, and claim 18 of Cone, and does not address or rebut Applicants' previous arguments.

Nonetheless, Cone paragraph 0021 does not disclose, teach, or suggest wherein the adapter is configured to manage power on the at least one peripheral device, but rather, discloses that ASIC 10 may be configurable or programmable during power up, without even purporting to indicate, in any manner, that the ASIC 10 manages power on the appliance 14.

In addition, Cone paragraph 33 and claim 18 clearly relate to activities that take during a power-up state 56 of state machine 24, which is part of controller 43 that is itself part of ASIC 10, and do not even purport to indicate, in any manner, that the ASIC 10 manages power on the appliance 14.

Thus, claim 9 sets forth that Applicants' microprocessorless adapter is configured to perform actions that are not disclosed, taught, or suggested to be performed by the Cone ASIC 10 or that the Cone ASIC 10 is configured to perform.

Since Cone does not disclose, teach, or suggest each and every element as set forth in claim 9, that is, an adapter configured to manage power on the peripheral device, claim 9 is not anticipated by Cone under MPEP 2131.

Accordingly, claim 9 is believed allowable in its own right.

Claim 10 is directed to the network of claim 1, wherein said adapter is configured to send said at least one peripheral device at least one command to go into a low-power sleep mode until said adapter detects inbound data bound for said at least one peripheral device.

In making a final rejection, the Examiner should include a rebuttal of any arguments raised in the applicant's reply (MPEP 706.07). However, the Examiner has not included a rebuttal of the arguments raised by Applicants in their previous Response with respect to claim 10, electronically

filed on July 18, 2006. Rather, the Examiner referred to the rejection of claim 10, which does not provide any rationale as to the rejection of claim 10 beyond citing paragraphs 0021, 0033, and claim 18 of Cone, and does not address or rebut Applicants' previous arguments.

Nonetheless, Cone paragraph 0021 discloses that ASIC 10 may be configurable or programmable during power up, without even purporting to indicate, in any manner, that the ASIC 10 is configured to send appliance 14 at least one command to go into a low-power sleep mode until ASIC 10 detects inbound data bound for appliance 14.

In addition, Cone paragraph 33 and claim 18 clearly relate to activities that take during a power-up state 56 of state machine 24, which is part of controller 43 that is itself part of ASIC 10, and do not even purport to indicate, in any manner, that the ASIC 10 is configured to send appliance 14 at least one command to go into a low-power sleep mode until ASIC 10 detects inbound data bound for appliance 14.

Thus, claim 10 sets forth that Applicants' microprocessorless adapter is configured to perform actions that are not disclosed, taught, or suggested to be performed by the Cone ASIC 10 or that the Cone ASIC 10 is configured to perform.

Since Cone does not disclose, teach, or suggest each and every element as set forth in claim 10, i.e., wherein the adapter is configured to send at least one peripheral device at least one command to go into a low-power sleep mode until said adapter detects inbound data bound for the at least one peripheral device, claim 10 is not anticipated by Cone under MPEP 2131.

Accordingly, claim 10 is believed allowable in its own right.

Claim 11 is directed to the network of claim 1, wherein said adapter is configured to at least one of send a wake-up command to said at least one peripheral device and verify an active status of said at least one peripheral device before accepting the inbound data.

In the Response to Arguments, the Examiner relies on Cone paragraphs 0004, 0005, and 0023 as assertedly disclosing the subject matter recited in claim 11.

However, Cone paragraphs 0004 and 0005 generally discuss as background information for the Cone invention that separate and standard components may request or obtain printer status information, but do not disclose, teach, or suggest that a microprocessorless network adapter is configured to verify an active status of a peripheral device before accepting inbound data or the knowledge required to cause a microprocessorless network adapter to do so.

In addition, Cone paragraph 0023 discloses a request for printer status information, but does not mention any details such as might otherwise disclose, teach, or suggest verifying an active status of a peripheral device before accepting inbound data.

Thus, claim 11 sets forth that Applicants' microprocessorless adapter is configured to perform actions that are not disclosed, taught, or suggested to be performed by the Cone ASIC 10 or that the Cone ASIC 10 is configured to perform.

Since Cone does not disclose, teach, or suggest each and every element as set forth in claim 11, i.e., wherein the adapter is configured to at least one of send a wake-up command to the at least one peripheral device and verify an active status of the at least one peripheral device before accepting the inbound data, claim 11 is not anticipated by Cone under MPEP 2131.

Accordingly, claim 11 is believed allowable in its own right.

Claim 12 is directed to network of claim 1, wherein said adapter is configured to perform automatic USB enumeration.

In the Response to Arguments, the Examiner relies on Cone paragraph 0046 as assertedly disclosing the subject matter recited in claim 12.

However, Cone paragraph 0046 does not in any manner purport or otherwise disclose, teach, or suggest that ASIC 10 is configured to perform automatic USB enumeration.

In addition, a request to a port controller to obtain information, such as printer type or printer status, as relied upon by the Examiner, simply does not mention USB enumeration or imply or otherwise disclose, teach, or suggest that ASIC 10 is configured to perform automatic USB enumeration.

Thus, claim 12 sets forth that Applicants' microprocessorless adapter is configured to perform actions that are not disclosed, taught, or suggested to be performed by the Cone ASIC 10 or that the Cone ASIC 10 is configured to perform.

Since Cone does not disclose, teach, or suggest each and every element as set forth in claim 12, i.e., wherein the adapter is configured to perform automatic USB enumeration, claim 12 is not anticipated by Cone under MPEP 2131.

Accordingly, claim 12 is believed allowable in its own right.

Claim 14 is directed to a network adapter comprising: at least one application specific integrated circuit; and support electronics, wherein said adapter is microprocessorless.

Cone does not disclose, teach, or suggest a microprocessorless network adapter for substantially the same reasons as set forth above with respect to claim 1.

Since each and every element as set forth in claim 14 is not found, either expressly or inherently described in the Cone reference, claim 14 is not anticipated by Cone under MPEP 2131.

Claim 14 is thus believed allowable in its present form, and Applicants respectfully request the Examiner to withdraw the rejection of claim 14 under 35 U.S.C. § 102(e).

Claims 15-19 are believed allowable due to their dependence on otherwise allowable base claim 14. In addition, claims 15-19 further and patentably define Applicants' invention over Cone.

For example, claim 16 is directed to the adapter of claim 14, wherein said adapter is configured to interconnect at least one peripheral device and at least one host computer.

In contrast to claim 16, the Cone ASIC 10 interconnects an appliance 14 and a network device 16 that Cone does not disclose, teach, or suggest is a host computer.

Since Cone does not disclose, teach, or suggest each and every element as set forth in claim 16, claim 16 is not anticipated by Cone under MPEP2131.

Accordingly, claim 16 is believed allowable in its own right.

Claim 18 is directed to the adapter of claim 14, wherein said application specific integrated circuit is configured to perform automatic USB enumeration.

Claim 18 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 12.

Accordingly, for at least the reasons set forth above, Cone does not disclose, teach, or suggest the subject matter of claims 1-19. Claims 1-19 are thus believed allowable in their present respective forms, and Applicants' thus respectfully request the Examiner to withdraw the rejection of claims 1-19 under 35 USC §102(e).

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the appended claims. The appended claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 2154

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

/Paul C. Gosnell/

Paul C. Gosnell
Registration No. 46,735

Attorney for Applicants

RKA14/ts

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TAYLOR & AUST, P.C.
12029 E. Washington Street
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803